

U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

DEC 18 PM 1:49

DEPUTY CLERK KRP

**LUBBOCK DIVISION**

RANDY JOE HOWARD- #04687580

PLAINTIFF PRO-SE

**5-17CV0295-C**

CASE NO. \_\_\_\_\_

v.

MARSHA MCLANE, EXECUTIVE DIRECTOR

DEFENDANT

MANNY FERNANDEZ VICE PRESIDENT OF

CORRECT CARE RECOVERY SOLUTIONS

DEFENDANT

TIM BUDS- INTERIM FACILITY ADMINISTRATOR

DEFENDANT

RAY PEREZ

DEFENDANT

TIFFINANY MAYBANK- MANAGER

DEFENDANT

MICHAEL SEARCY

DEFENDANT

**I. PREVIOUS LAWSUITS:**

**A. Have you filed any other lawsuit in state or federal court relating to your imprisonment?**

     YES   X   NO

**B. If your answer to "A" is "yes," describe each lawsuit in space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)**

**1. Approximate date of filing lawsuit:** \_\_\_\_\_

**2. Parties to previous lawsuit:**

Plaintiff(s): \_\_\_\_\_

Defendant(s) \_\_\_\_\_

**3. Court: (If federal, name the district; if state, name the County.)** \_\_\_\_\_

**4. Cause number:** \_\_\_\_\_

**5. Name of judge to whom case was assigned.** \_\_\_\_\_

**6. Disposition: (Was the case dismissed, appealed, still pending?)** \_\_\_\_\_

**7. Approximate date of disposition** \_\_\_\_\_

**PLACE OF PRESENT CONFINEMENT:** TEXAS CIVIL COMMITMENT CENTER

**EXHAUSTION OF GRIEVANCE PROCEDURES:**

Have you exhausted all steps of the institutional grievance procedure?   X   YES      NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

**PARTIES TO THIS SUIT:**

**Name and address of Plaintiff:** Randy Howard, #04687580, Texas Civil Commitment, 2600 S. Sunset Avenue, Littlefield, Texas 79339-4809.

Full name of each defendant, his official position, his place of employment, and his full mailing address.

**Defendant# 1:** Marsha McLane Executive Director, Texas Civil Commitment Office, 4646 W. Howard Lane, Building 2, Suite 350, Austin, Texas 78711.

**Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.**  
She denied my Constitutional Rights as a United States citizen! Knowing about the Memorandum, and causing me severe mental pain and treating me as a banished citizen.

**Defendant #2:** Tim Buds, Adm. Texas Civil Commitment Center, 2600 S. Sunset Avenue, Littlefield, Texas 79339.

**Briefly describe the act(s) or omission(s) of this defendant, which claimed harmed you.**  
Lied per his "Memorandum and his` signature.

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**Defendant #3:** Manny Fernandez Vice President of Correct Care Recovery Solutions, 1983 Murfreesboro, Suite 500, Nashville, TN 37217.

**Briefly describe the act(s) or omission(s) of this defendant, which claimed harmed you.**  
He denied my Constitutional Rights as a United States Citizen, knowing about the Memorandum.

---

**Defendant #4** Tiffinany Maybank, Texas Civil Commitment Office, Case Manager, 4616 W. Howard Lane, Building 2, Suite 350, Austin, Texas 78711.

**Briefly describe the act(s) or omission(s) of this defendant, which claimed harmed you.**  
Denial of my Constitutional and Civil Rights.

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**Defendant #5** Ray Perez, Texas Civil Commitment Office, Case Manager, 4646 W. Howard, Building 2, Suite 350, Austin, Texas 78711.

**Briefly describe the act(s) or omission(s) of this defendant, which claimed harmed you.**  
Forces me to work 3 hours for I-D and denied my Constitutional Rights.

---

**Defendants #6:** Michael Searcy, Operations Specialist, Texas Civil Commitment Office, 4818 Howard Lane, Building 2, Suite 350, Austin, Texas 78711

**Briefly describe the act(s) or omission(s) of this defendant, which claimed harmed you**  
Threatening me to work for ID & Denial of Constitutional Rights, Cause severe mental anguish.

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#### **V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

18 February 2016, I sent off an application for ballot by mail to Lamb County Election Administrator, I requested a copy of the application. (See Exhibit 1, 1pg.).

15 April 2016, I received a voting card through the United States Mail. **(See Exhibit 2, 2pg).**

I was advised that I could vote by Tim Buds on October 10, 2016, by posting a Memorandum stating I could vote "DISABLED" per Security of State. **(See Exhibit 3, 1pg).**

17 November 2016, my ballot by mail was "denied/declined" through a letter I received stating my Ballot was rejected. **(See Exhibit 4, 2pg).**

27 November 2016, I written a Grievance regarding my ballot by mail being rejected. **(See Exhibit 5, 1pg).**

22 November 2016 & January 11, 2017 I sent two letters to Judge Steve Busby this judge is on the Voting board. I tried to attempt to find out why my Constitutional Rights as a United States Citizen where denied do to negligence; as well the oversight of all the defendants listed on page 1, 2, 3, 4. **(See Exhibit 6, 3pg).**

31 January 2017, I sent a letter to, "STATE COMMISSION ON JUDICIAL CONDUCT." I received a response and they sent the letter that I sent them with their stamp on right hand corner. **(See Exhibit 7, pg. 2)**

20 March 2017, I put in a Grievance for not responding to the first Grievance 27 November 2016. No response to both Grievance. **(See Exhibit 8, 1 pg.)**

I wrote a letter to Disability Rights & Texas I ask for their help. 22 November 2017, I received a letter with attachments of two Grievance. **(See Exhibit 9, 3pg).**

6 December 2016, The Houston Chronicle written an article in their newspaper, regarding: **"OFFICES LEVEE OFFENDERS ELECTION BALLOTS UNCOUNTED."** **(SEE Exhibit 10, 8pg).**

1 May 2015, I was release from TDCJ Prison. Discharged. **(See Exhibit 11, 1pg).**

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#### **VI. RELIEF:**

**State briefly exactly, what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.**

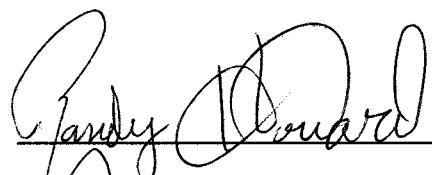
**To advise defendant of my rights of a United States Citizen whom has. Serve any penalties & it must be enforced.**



**PLAINTIFF'S DECLARATIONS:**

1. I declare under penalty of perjury all presented in this complaint and attachment thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 15 day of December, 2017  
(Day) (Month) (Year)

  
Randy Howard  
(Signature of Plaintiff)

# EXHIBIT 1

**Michigan Initial**

State

Este formulario está disponible en Español. Para conseguir la versión en Español favor de llamar sin cargo al 1.800.252.8683 a la oficina del Secretario de Estado o la Secretaría de Votación por Adelantado



# EXHIBIT 2

Brenda Goheen  
Tax Assessor Collector  
(806) 385-4222 Ext. 230  
100 6th Dr., Room 105  
Littlefield, Texas 79339

Secretary of State's Office  
Elections Division  
1-800-252-VOTE (6683)

15 APR 2016 PM



RETURN SERVICE REQUESTED

VOTER REGISTRATION CERTIFICATE (Certificado de Registro Electoral)			LAMB COUNTY (Condado)				
Valid (Válido)	Gender (Sexo)	Valid From (Válido desde)	USREP	STREP	STSEN	COMM	JP
1193393903	M	01/07/2016	19	88	28	4	4
Year of Birth (Año de nacimiento)	Prec No (Núm Polo.)	Thru (hasta)	CITY	SCHOOL	SBE		
1958	9	12/31/2017	CLI4	SLI3	15		
Name and Permanent Residence Address (Nombre y dirección residencial permanente)			Name and Mailing Address (Nombre y dirección de correo)				
HOWARD, RANDY J 2600 SOUTH SUNSET AVENUE LITTLEFIELD, TX 79339			 RANDY J HOWARD 2600 SOUTH SUNSET AVENUE LITTLEFIELD, TX 79339				

**X**

VOTER MUST PERSONALLY SIGN REGISTER NAME IMMEDIATELY UPON RECEIPT, IF ABLE  
(El votante debe firmar personalmente el registro al recibirlo, si puede.)

Every Affiliated  
Precinct (All Precincts)



**Note: The requirement to show photo ID is under review and may change. Visit [www.votetexas.gov](http://www.votetexas.gov), or contact the Secretary of State's office or your local voter registrar for the most updated information on the voter ID law.**

A voter must show one of the following forms of photo ID before the voter may be accepted for voting in person: driver's license, election ID certificate, personal ID card, or handgun license issued by the TX Department of Public Safety; U.S. military ID card that contains the person's photograph; U.S. citizenship certificate that contains the person's photograph; or a U.S. passport.

The above ID must be current, or if expired, then it must have expired no more than 60 days before it is presented at the polling place. Contact the Secretary of State or your local voter registrar for information concerning exceptions to the photo ID requirement for certain voters with disabilities, voters with religious objections to being photographed, and voters affected by certain natural disasters.

If you have moved or plan to move, visit [www.votetexas.gov](http://www.votetexas.gov) or contact your local voter registrar to get information on how to keep your voter registration active and what special procedures may be available to you.

If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar.

**Nota: El requisito de mostrar una identificación con fotografía está bajo revisión y puede cambiar. Visite nuestra página de internet [www.votetexas.gov/es](http://www.votetexas.gov/es), o contacte a la Oficina de la Secretaría de Estado, o a su oficina local del registrador de votantes para obtener información más actualizada.**

El votante debe mostrar una de las siguientes formas de identificación con fotografía antes de ser aceptado/a para votar en persona: licencia de conducir; cédula de identificación electoral; tarjeta de identificación personal; licencia para portar armas emitida por el Departamento de Seguridad Pública de Texas (DPS), tarjeta de identificación militar emitida por el gobierno de los Estados Unidos que contenga la fotografía del portador; certificado de ciudadanía Estadounidense que contenga la fotografía del portador; o un pasaporte de los Estados Unidos.

La identificación debe estar vigente, o si no la está, entonces debe haberse vencido no más de 60 días antes de presentarla para calificar como votante en el sitio electoral. Contacte a la Oficina de la Secretaría de Estado, o a su oficina local del registrador de votantes para más información con respecto a las excepciones al requisito de mostrar una identificación para votar para ciertos votantes discapacitados, votantes con objeciones religiosas relacionadas al ser fotografiados, y votantes afectados por ciertos desastres naturales.

Si usted ha cambiado de domicilio o planea cambiarse, visite [www.votetexas.gov/es](http://www.votetexas.gov/es) o contacte a su oficina local del registrador de votantes para obtener información de cómo mantener su registro electoral activo y los procedimientos especiales que pueden estar disponibles para usted.

Si la información en este certificado ha cambiado o es incorrecta, corrija la información en el espacio provisto, firme abajo, y devuelva este certificado al registrador de votantes.

**I affirm the changes made to the left are correct.**

Afirmo que los cambios hechos al lado izquierdo están correctos.

**X**

**Signature of Voter (Firma del votante)**

# EXHIBIT 3



## MEMORANDUM

Texas Civil Commitment Center  
2600 Sunset Avenue  
Littlefield, Texas 79339  
Phone: 806 485 8100  
www.TBudz@CorrectCareRS.com.com

Date: October 10, 2016

To: All Residents

From: Tim Budz  
Interim Facility Administrator

A handwritten signature in black ink, appearing to read "Tim Budz", is written over the typed name.

**RE: VOTING BY MAIL**

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**This notice is meant to provide information, and does not constitute legal advice or guidance.**

Residents:

Previously, residents of this facility who consider themselves to be residents of Lamb County and who were registered to vote in Lamb County had their absentee ballots by mail rejected.

It is our understanding that the office of the Texas Secretary of State has now weighed in on this issue and provided the opinion that those at this facility who are registered to vote in Lamb County and who submit an application for an early voting ballot by mail that has "Disabled" checked in Box 5 as the reason for voting by mail should be permitted to vote by mail. It is also our understanding that Lamb County agrees with this position.

A sample application for ballot by mail is posted with this memo, along with the instructions from Lamb County regarding that application. The applications can be returned to Tonya Ritchie, Lamb County Elections Administrator, 100 6th Drive, Room 103, Littlefield, TX 79339.

Residents of this facility who consider their permanent residences to be someplace other than in Lamb County are encouraged to contact the election office of their place of residence regarding the availability of voting by mail.

DO NOT REMOVE PERFORATED TABS. Moisten here and fold bottom to top to seal. DO NOT REMOVE PERFORATED TABS. Moisten here and fold bottom to top to seal.

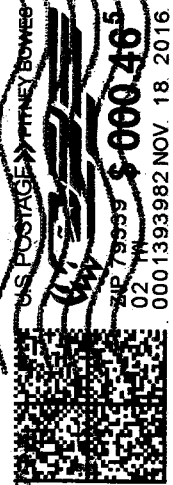
Application for Ballot by Mail		Prescribed by the Office of the Secretary of State of Texas VUID # County Election Precinct # AS-15e 08/15		For Official Use Only Statement of Residence, etc.	
1	Last Name (Please print information)	First Name		Middle Initial	
2	Residence Address: See back of this application for instructions.	City		TX	
3	Mail my ballot to: If mailing address differs from residence address, please complete Box # 7.	City		State	
4	Date of Birth (mm/dd/yyyy) (Optional)	City		State	
5	Reason for Voting by Mail: <input type="checkbox"/> 65 years of age or older. (Complete Box #5a) <input type="checkbox"/> Disability. (Complete Box #5a) <input type="checkbox"/> Expected absence from the county. (Complete Box #5b and Box #8) <input type="checkbox"/> You will receive a ballot for the upcoming election only <input type="checkbox"/> Confinement in jail. (Complete Box #5b) <input type="checkbox"/> You will receive a ballot for the upcoming election only	<input type="checkbox"/> Mailing Address as listed on my voter registration certificate <input type="checkbox"/> Nursing home, assisted living facility, or long term care facility <input type="checkbox"/> Hospital <input type="checkbox"/> Retirement Center		<input type="checkbox"/> Address of the jail <input type="checkbox"/> Relative, relationship <input type="checkbox"/> Address outside the county (see Box #8)	
6a	ONLY Voters 65 Years of Age or Older or Voters with a Disability: If applying for one election, select appropriate box. If applying once for elections in the calendar year, select "Annual Application." <input type="checkbox"/> Annual Application <input type="checkbox"/> Uniform and Other Elections: You must declare one political party to vote in a primary: <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other _____ <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff	<input type="checkbox"/> If you selected "expected absence from the county," see reverse for instructions Date you can begin to receive mail at this address: _____ Date of return to residence address: _____ Notice to Voter: Effective September 1, 2015, you may submit a completed, signed and scanned application to the early voting clerk at (early voting clerk's e-mail address) _____		Date of return to residence address: _____ Notice to Voter: Effective September 1, 2015, you may submit a completed, signed and scanned application to the early voting clerk at (early voting clerk's e-mail address) _____	
6b	ONLY Voters Absent from County or Voters Confined in Jail: You may only apply for a ballot by mail for one election, and any resulting runoff. Please select the appropriate box. <input type="checkbox"/> Uniform and Other Elections: You must declare one political party to vote in a primary: <input type="checkbox"/> May Election <input type="checkbox"/> November Election <input type="checkbox"/> Other _____ <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary <input type="checkbox"/> Any Resulting Runoff	<input type="checkbox"/> If you selected "expected absence from the county," see reverse for instructions Date you can begin to receive mail at this address: _____ Date of return to residence address: _____ Notice to Voter: Effective September 1, 2015, you may submit a completed, signed and scanned application to the early voting clerk at (early voting clerk's e-mail address) _____		Date of return to residence address: _____ Notice to Voter: Effective September 1, 2015, you may submit a completed, signed and scanned application to the early voting clerk at (early voting clerk's e-mail address) _____	
11	See back for Witness and Assistant definitions. If applicant is unable to mark Box #10 and you are acting as a Witness to that fact, please check this box and sign below. If you assisted the applicant in completing this application in the applicant's presence or e-mailed/mailed or faxed the application on behalf of the applicant, please check this box as an Assistant and sign below. * If you are acting as Witness and Assistant, please check both boxes. Failure to complete this information is a Class A misdemeanor if signature was witnessed or applicant was assisted in completing the application.	<input checked="" type="checkbox"/> Signature of Witness /Assistant Street Address _____ Apt Number (if applicable) _____ City _____ State _____ Zip _____		<input checked="" type="checkbox"/> Printed Name of Witness/Assistant City _____ Zip _____ Witness' Relationship to Applicant (Refer to instructions on back for clarification)	

Este formulario está disponible en Español. Para conseguir la versión en Español favor de llamar sin cargo al 1.800.252.8683 a la oficina del Secretario de Estado o la Secretaría de Votación por Adelantado.

# **EXHIBIT 4**

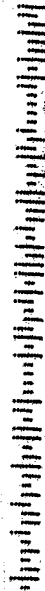
Lamb County Early Voting Ballot Board  
100 6<sup>th</sup> Drive, Room #103  
Littlefield, Texas 79339

LUBBOCK TX 79401  
18 NOV 2016 PM



Randy Howard  
TX Civil Commitment Center  
2600 S. Sunset Ave.  
Littlefield, TX. 79339  
VID#1173393909  
Pct. # 9

7933934809





November 17, 2016

**NOTICE OF REJECTED BALLOT for November, 2016 General Election**

[REDACTED]

Randy Howard  
TX Civil Commitment Center  
2600 S. Sunset Ave.  
Littlefield, TX. 79339  
VUID#1173393909  
Pct. # 9

This is to serve as notice that your ballot for the November 8, 2016 General Election was rejected by the Early Voting Ballot Board and was NOT counted.

Based on the Reason for Voting by Mail that you completed in Section 5 of your Application for Ballot by Mail, your ballot was rejected pursuant to one or more of the following statutes:

§82.002 Texas Election Code  
§82.004 Texas Election Code  
§11.02 Texas Election Code

Should you have any questions, feel free to contact me at:  
Lamb County Early Voting Ballot Board  
100 6<sup>th</sup> Drive, Room #103  
Littlefield, TX 79339

Very truly yours,

Steve Busby  
Presiding Judge, Early Voting Ballot Board

# EXHIBIT 5

<b>Name of Resident:</b> <u>Randy Howard</u>	<b>TCCC ID#</b>  <b>Housing Unit:</b> <u>ml</u>	<b>Date Received:</b> <div style="text-align: right;">(office use only)</div>
<b>Date of Incident Occurrence:</b> <u>November 16, 2016</u> <small>(Grievance must be received within 30 days)</small>	<b>Date Grievance Submitted:</b> <u>November 27, 2016</u>	<b>Assigned To:</b>  <b>Grievance#</b> <div style="text-align: right;">(office use only)</div> <b>Due Date:</b>

**Grievance is regarding:**
☐ Medical
 ☐ Food Service
 ☐ Mail/Package
 ☐ Account
 ☐ Behavior Management
 ☐ Computer Lab
 ☐ Staff
 ☐ Clinical Treatment
 ☐ Canteen/Supply
 ☐ Maintenance
 ☒ Other

**No Resident shall be retaliated against as a result of filing a grievance**
**PLEASE DO NOT ALTER FORM**

Use only this form to give a BRIEF summary of Grievance: I received a letter from Steve Busby, Presiding Judge, Humboldt County Early Voting Board. I was Rejected in General Election November 16, 2016. This was a rejected ballot that I put in. I simply voted as instructed by marking disability application for ballot by mail. I am disabled.

**Relief Requested:** I need more precise reason as to why my ballot was rejected.

**Resident Signature:** Randy Howard **Date:** 11/27/16

**Signature is required**      **Resident keeps pink copy - Submit white and yellow copies in Resident Communication Box**

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**INFORMAL ATTEMPT TO RESOLVE:** (Completed by Division Director or Designee)

**Staff Response:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TCC Staff Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

☐ Accepted    ☐ Not Resolved    **Resident's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of Staff Performing Face To Face:** \_\_\_\_\_

**Resident cooperation required for face to face step or response will be accepted)**  
**(If Accepted, Resident keeps yellow copy. If Not Resolved, Staff to forward yellow and white copy to Grievance Examiner)**

---

**FACILITY ADMINISTRATOR'S RESOLUTION:** (if not resolved at informal level)

**Decision:**    ☐ Upheld    ☐ Denied    **Date Received:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Facility Administrator's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Date Returned to Resident by Grievance Examiner:** \_\_\_\_\_

# **EXHIBIT 6**

Randy Howard #04687580  
Texas Civil Commitment Center  
2600 S. Sunset Avenue  
Littlefield, Texas 79339-4809

11 January 2017

Presiding Judge of Lamb County  
Steve Busby  
Early Voting Board  
1000 6<sup>th</sup> Drive  
Room 3  
Littlefield, Texas 79339

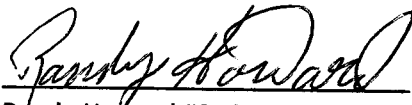
Dear Judge:

Would you please answer this letter, I don't understand as to why my vote by mail did not count and was rejected on the November 2016 General Election Ballot by mail.

Please get me to understand as to why my Constitutional Rights were in violation by rejected Ballot by mail.

Please respond to this letter by the 25<sup>th</sup> of January of 2017. This Should give you plenty of time to respond.

Thank You,

A handwritten signature in black ink, appearing to read "Randy Howard", is written over a horizontal line.

Randy Howard #04687580

22 November 2016

Randy Howard

\*04687580

T. C. C.

26008. Sunset Ave

Littlefield, TX

794339-4809

Lamb County Early

Voting Ballot Board

10016<sup>th</sup> Drive, Room #108

Littlefield, Texas

79339

#VULD#1173393909  
Pct. #9

Presiding Judge.

I don't understand why my  
Ballot was rejected?

one or more of the following  
statutes!

82.002 Texas Election Code

82.004 Texas Election Code

11.02 Texas Election Code

I have No Way of Knowing what the  
Number Statutes are?

Would you please send me a  
Copy of the three Statutes!

Please Tell Me in your own words  
why my Ballot was rejected  
for the November 8, 2016 Election.

I did get the Ballot in on time.

Presiding Judge Steve Busby I  
thank you for your time.

Very truly yours.

Gandy Howard

# **EXHIBIT 7**



## State Commission on Judicial Conduct

### Officers

Valerie E. Ertz, Chair  
Douglas S. Lang, Vice Chair  
Ricky A. Raven, Secretary

### Members

Patti H. Johnson  
Martha M. Hernandez  
Diane D. Threadgill  
Demetrius K. Bivins  
Orlinda L. Naranjo  
David M. Russell  
David M. Patronella  
David C. Hall  
Catherine N. Wylie  
Tramer J. Woytek



Executive Director  
Eric Vinson

February 17, 2017

**PERSONAL AND CONFIDENTIAL**

Randy Howard #04687580  
Texas Civil Commitment Center  
2600 S. Sunset Avenue  
Littlefield, TX 79339-4809

Dear Mr. Howard:

On February 2, 2017, the State Commission on Judicial Conduct received your correspondence. Please be advised that the Commission is only authorized to exercise jurisdiction over allegations of misconduct against members of the Texas judiciary. Since your correspondence does not allege any specific misconduct on the part of a Texas judge, we will be unable to open a case or investigate your concerns. We are returning the information you provided to us to maintain in your records.

We appreciate your concerns, and we are grateful for your interest in assisting us in maintaining the high ethical standards of the Texas Judiciary.

**STATE COMMISSION ON JUDICIAL CONDUCT**

Enclosures

Randy Howard #04687580  
Texas Civil Commitment Center  
2600 S. Sunset Avenue  
Littlefield, Texas 79339-4809

January 31, 2017

State Commission on Judicial  
Conduct  
P.O. Box 12265  
Austin, Texas 78711-2265

Received by

FEB 01 2017

State Commission on  
Judicial Conduct

S.C.J.C.:

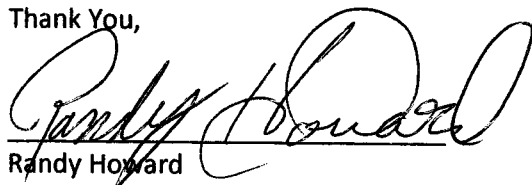
After my November 2016 General Election Ballot by mail was rejected I written two letters to Judge Steve Busby since he is on the voting board. This Judge and/or his office has not written me back.

All I need is an answer to why my Constitutional Rights was violated and the ballot rejected.

I gave this Judge Steve Busby plenty of time to answer my letter.

(Two letters are enclose to the judge.)

Thank You,



Randy Howard

# **EXHIBIT 8**

Name of Resident: <b>Randy Howard</b>	TCCC ID# <b>04687560</b>	Date Received: (office use only)
Date of Incident Occurrence: <b>11-16-2016</b> (Grievance must be received within 30 days)	Housing Unit: <b>B1-65-B</b>	Assigned To: (office use only)
	Date Grievance Submitted: <b>11-27-16</b> <b>3-20-17</b>	Grievance# (office use only)
		Due Date:

Grievance is regarding: ☐ Medical ☐ Food Service ☐ Mail/Package ☐ Account ☐ Behavior Management  
☐ Computer Lab ☐ Staff ☐ Clinical Treatment ☐ Canteen/Supply ☐ Maintenance ☒ Other voting

No Resident shall be retaliated against as a result of filing a grievance

PLEASE DO NOT ALTER FORM

Use only this form to give a BRIEF summary of Grievance: **on 11-27-16 the grievance on the voting issue. Policy Procedure Manual Page 1 of 6 on page 1. Each grievance will be initially responded to within 10 days. I never received the grievance back! Where is the 11-27-16 grievance? Why was the grievance 11-27-16 not answered?**

Relief Requested: **answer the 11-27-16 Grievance!**

Resident Signature: **Randy Howard** Date: **3/20/17**

Signature is required Resident keeps pink copy - Submit white and yellow copies in Resident Communication Box

**ATTEMPT TO RESOLVE:**

(Completed by Division Director or Designee)

Staff Response:

Date Received: \_\_\_\_\_

TCC Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Accepted ☐ Not Resolved Resident's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Staff Performing Face To Face: \_\_\_\_\_

Resident cooperation required for face to face step or response will be accepted)

(If Accepted, Resident keeps yellow copy. If Not Resolved, Staff to forward yellow and white copy to Grievance Examiner)

**FACILITY ADMINISTRATOR'S RESOLUTION:**

(if not resolved at informal level)

Decision: ☐ Upheld ☐ Denied

Date Received: \_\_\_\_\_

Facility Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date Returned to Resident by Grievance Examiner: \_\_\_\_\_

# EXHIBIT 9



November 20, 2017

Mr. Randy Howard #04687580  
c/o Texas Civil Commitment Center  
2600 S. Sunset Ave.  
Littlefield, TX 79339-4809

Dear Mr. Howard:

Enclosed please find originals of the documents that you sent to our office. Mr. Valles is returning them to you for your files.

If you have any questions, please do not hesitate to call our office.

Sincerely,

A handwritten signature in cursive script that reads "Rosalinda Guerra".

Rosalinda Guerra  
Legal Secretary

/rg  
Enclosures





# **TCCC RESIDENT GRIEVANCE**

Name of Resident: <b>Randy Howard</b>	TCCC ID# <b>04487532</b>	Date Received: (office use only)
Date of Incident Occurrence: <b>November 16, 2016</b> (Grievance must be received within 30 days)	Housing Unit: <b>m6</b>	Assigned To: (office use only)
	Date Grievance Submitted: <b>November 27, 2016</b>	Grievance#: (office use only)
		Due Date:

Grievance is regarding: ☐ Medical ☐ Food Service ☐ Mail/Package ☐ Account ☐ Behavior Management  
☐ Computer Lab ☐ Staff ☐ Clinical Treatment ☐ Canteen/Supply ☐ Maintenance ☒ Other

No Resident shall be retaliated against as a result of filing a grievance

PLEASE DO NOT ALTER FORM

Use only this form to give a BRIEF summary of Grievance: **I received a letter from Steve Busby, Presiding Judge Lamb County Early Voting Board. I was Rejected in General Election November 16, 2016. This was a rejected ballot that I put in. I simply voted as instructed by marking disability in application for ballot by mail. I am disabled.**

Relief Requested: **I need more precise reason for my ballot to be rejected**

Resident Signature: **Randy Howard** Date: **11/27/16**

Signature is required Resident keeps pink copy - Submit white and yellow copies in Resident Communication Box

## **INFORMAL ATTEMPT TO RESOLVE: (Completed by Division Director or Designee)**

Staff Response: \_\_\_\_\_ Date Received: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TCC Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Accepted ☐ Not Resolved Resident's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Staff Performing Face To Face: \_\_\_\_\_

Resident cooperation required for face to face step or response will be accepted)

(If Accepted, Resident keeps yellow copy. If Not Resolved, Staff to forward yellow and white copy to Grievance Examiner)

## **FACILITY ADMINISTRATOR'S RESOLUTION: (If not resolved at informal level)**

Decision: ☐ Upheld ☐ Denied Date Received: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Facility Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Date Returned to Resident by Grievance Examiner: \_\_\_\_\_



## TCCC RESIDENT GRIEVANCE

<b>Name of Resident:</b> <u>Randy Howard</u>	<b>TCCC ID#</b> <u>04687580</u> <b>Housing Unit:</b> <u>B-1-65-B</u>	<b>Date Received:</b> <div style="text-align: right;">(office use only)</div>
<b>Date of Incident Occurrence:</b> <u>11-16-2016</u> <small>(Grievance must be received within 30 days)</small>	<b>Date Grievance Submitted:</b> <u>11-27-16</u> <u>3-20-17</u>	<b>Assigned To:</b> <b>Grievance#</b> <div style="text-align: right;">(office use only)</div> <b>Due Date:</b>

**Grievance is regarding:**
☐ Medical
 ☐ Food Service
 ☐ Mail/Package
 ☐ Account
 ☐ Behavior Management
 ☐ Computer Lab
 ☐ Staff
 ☐ Clinical Treatment
 ☐ Canteen/Supply
 ☐ Maintenance
 ☒ Other Voting

**No Resident shall be retaliated against as a result of filing a grievance**
**PLEASE DO NOT ALTER FORM**

Use only this form to give a BRIEF summary of Grievance: on 11-27-16 the grievance on the Voting Issue Policy Procedure Manual Page 1 of 6 on page 1. Each grievance will be initially responded to within 10 days. I never received the grievance back! Where is the 11-27-16 grievance? Why was the grievance 11-27-16 not answered?

**Relief Requested:** answer the 11-27-16 Grievance!

**Resident Signature:** Randy Howard **Date:** 3/20/17

**Signature is required** **Resident keeps pink copy - Submit white and yellow copies in Resident Communication Box**

---

**ATTEMPT TO RESOLVE:** (Completed by Division Director or Designee)

**Staff Response:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TCC Staff Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

☐ Accepted ☐ Not Resolved **Resident's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of Staff Performing Face To Face:** \_\_\_\_\_

**Resident cooperation required for face to face step or response will be accepted)**  
**(If Accepted, Resident keeps yellow copy. If Not Resolved, Staff to forward yellow and white copy to Grievance Examiner)**

---

**FACILITY ADMINISTRATOR'S RESOLUTION:** (If not resolved at informal level)

**Decision:** ☐ Upheld ☐ Denied **Date Received:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Facility Administrator's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Date Returned to Resident by Grievance Examiner:** \_\_\_\_\_



# EXHIBIT 10

**TEXAS POLITICS**

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# Officials leave sex offenders' election ballots uncounted

**Sex offenders at treatment center sue for alleged rights violations**

By Mike Ward | December 6, 2016 | Updated: December 6, 2016 9:52pm

7

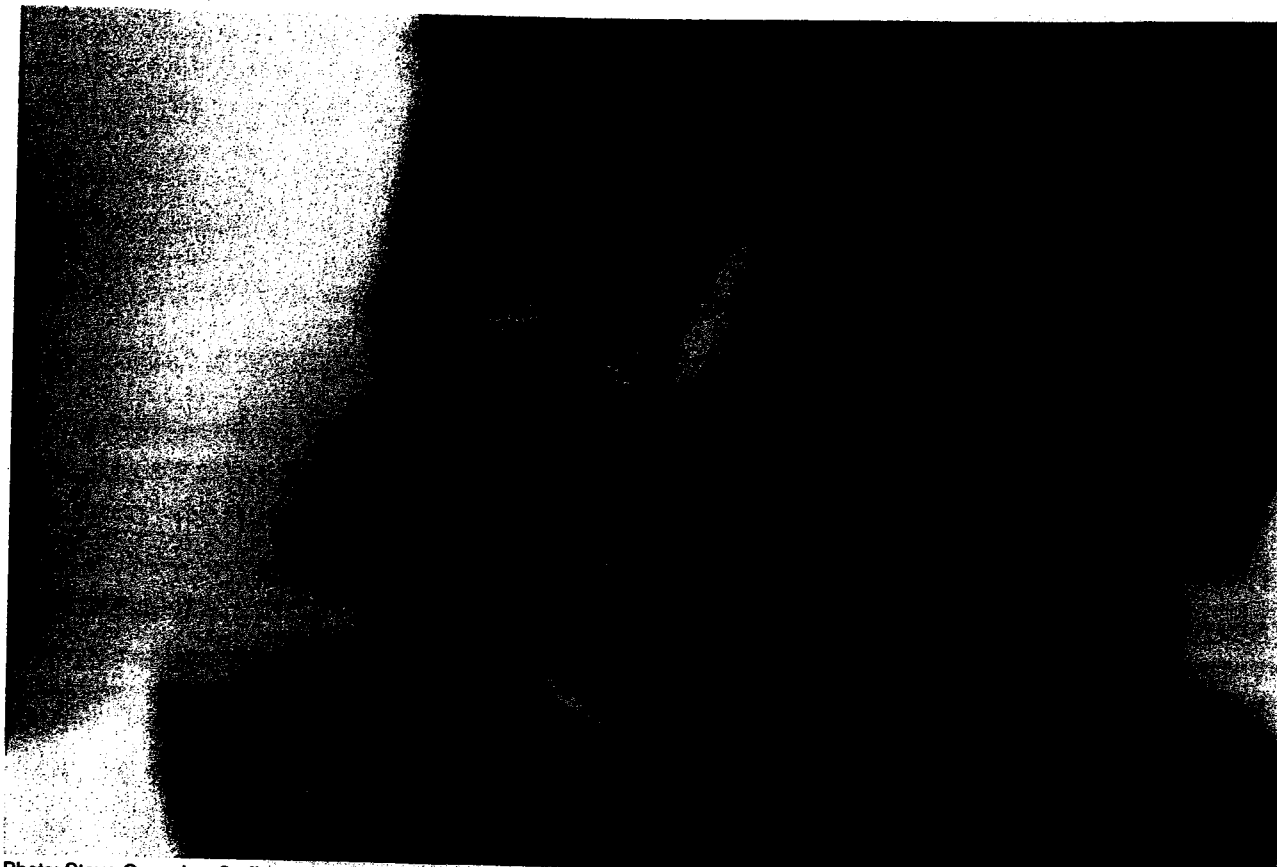


Photo: Steve Gonzales, Staff

Clarence Brown

AUSTIN - Like millions of Americans who wanted to have their say, more than 100 men inside a West Texas treatment center for sexually violent predators registered to vote in last month's presidential election.

Local election officials, however, refused to count their ballots, a decision that attorneys say likely violates federal and state laws.

The tossed-out votes now are the subject of a growing legal fight in the small town that once begged to get the treatment center for the jobs and the multimillion-dollar payroll that it brought, but now appears to be having second thoughts about the more than 200 convicted sex offenders that came with it.

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"They didn't want us going out into their community, so they made us vote by mail, and now they're denying us the right to vote at all," said Clarence Brown, 54, one of the men in the Billy Clayton Center

Case 5:17-cv-00295-C Document 1 Filed 12/18/17 Page 36 of 45 PageID 36

whose ballots were rejected. "This place isn't supposed to be a prison, but this run-down, bigoted little town is trying to make it one so we can't exercise our constitutional right to vote. Even if they don't like us, what they have done is not legal."

Brown said he and 65 other men at the center have filed a challenge to the decision to reject their ballots by Early Voting Ballot Board Judge Steve Busby. They said they plan to ask the U.S. Department of Justice to investigate the case as a violation of the 1965 Voting Rights Act, which makes it a federal crime to prevent a qualified voter from casting a ballot.

Officials with the Texas Civil Commitment Office that operates the sex offender program and top elections officials at the Texas Secretary of State Office acknowledged the problem but said there is little they can do.

Lamb County elections officials contend it was not their decision and referred questions to Busby. He did not return repeated phone calls.

Documents obtained by the Chronicle show the state laws that Busby cited in rejecting the ballots were the same ones state officials

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## TEXAS POLITICS



**Abortion advocates sue state, contending rule on burials defies**

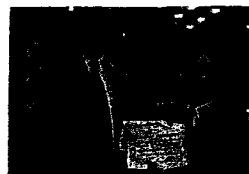


**Perry's third meeting with Trump raises White House job prospects**

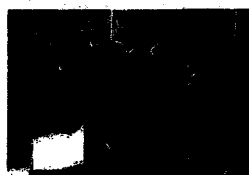
**Official: FBI told Illinois GOP of possible email hacking**

Case 5:17-cv-00295-C Document 1 Filed 12/18/17 Page 37 of 45 PageID 37

used to allow the men to vote by mail: They were disabled, they were confined and could not get to a polling place to vote and that they had fully discharged their prison sentences.



**For all his threats, Trump is seen by businesses as key ally**



**Trump rejects intel, lawmakers vow probe of Russia hacking**

"It sounds like a pretty clear violation," said Buck Wood, an Austin lawyer and expert on Texas elections law. "If they completed their sentences, they should have been allowed to vote."

### ***'There was grumbling'***

Under Texas law, felons who have completed their prison sentences are entitled to vote.

State files show the fight began earlier this year when Brown and as many as a dozen other men at the Clayton Center registered to vote in the March primaries. County officials advised them to vote by mail, records show, but none were counted.

"There was grumbling, and I asked the county how they could vote, to resolve this in the future," said Marsha McLane, executive director of the Texas Civil Commitment Office. "There were three options: They could either go a polling place on Election Day or they could bring a polling place to the center to let them vote there or they could do it by absentee ballot."

Officials confirmed that before all the men in the state's civil-commitment program were moved to Littlefield in September 2015,

Case 5:17-cv-00295-C Document 1 Filed 12/18/17 Page 38 of 45 PageID 38

many had voted in Houston, Austin, Dallas, Fort Worth and other locations where they were housed in jails and halfway houses.

Because many of the men at the Littlefield facility did not have proper identification cards to cast ballots in person, the civil commitment agency transported the prospective voters - about 50 of them - to a Texas Department of Public Safety office in Lubbock to get state-approved ID cards. Each man paid the \$21 cost for the cards, McLane said.

Internal state emails show Lamb County officials in May nixed in-person voting as an option and again urged absentee ballots to avoid problems with local residents, including the possibility of violence.

"I will assure you that if the ballot by mail does not work, I will not intentionally violate anyone's constitutional right to vote," County Judge Mike DeLoach wrote in a May 24 email to McLane. "I am gravely concerned if you bring your residents into town to vote, it is going to cause problems - in fact, it is not a 'maybe' or a possibility' - it is going to. My concern is not only for the public and their safety, but also for your facility/staff and your residents' safety; neither the county nor the city maintain resources to provide security at polling places."

DeLoach also noted that while 30 men wanted to vote at the time, up to 300 eventually may want to vote in the future, a number that could impact local election races.

As of Monday, the center housed about 240 men.

DeLoach did not return calls requesting comment.

***'Disabled' option OK'd***

Case 5:17-cv-00295-C Document 1 Filed 12/18/17 Page 39 of 45 PageID 39  
By late May, DeLoach said he had asked County Attorney Scott Say to request a legal ruling from Attorney General Ken Paxton on whether the men could vote absentee by claiming the "disabled" exemption. The Secretary of State's Office soon signed off on the mail ballots for the men.

"It can reasonably be argued that a person who has been clinically assessed ... to the point where the individual civilly committed and is unable to leave the commitment facility without being accompanied is disabled for purposes of voting by mail," Caroline Geppert, a staff attorney in the Elections Division, wrote in a May 31 email to the civil commitment agency. "Such an individual may credibly claim to have a sickness or condition that prevents the person from voting in person without the need for personal assistance."

Alicia Pierce, a spokesperson for Secretary of State Carlos Cascos, confirmed that election officials had approved mail ballots for the men. In a message to the agency, DeLoach said that was good enough to resolve the issue for county officials.

Then, Nov. 17, Brown and 65 other men received notice that the ballot each had mailed was rejected by the Early Voting Ballot Board and was not counted..

Three state laws were listed: Those covering disability, confinement in jail and the qualifications to be a voter.

### ***Defining coercion***

Privately, several local and state officials said they disagree with the decision, noting that Early Ballot Voting Boards in most counties only compare signatures on mail ballots to validate their authenticity, as well as other record-keeping details, and do not disqualify ballots for other reasons.

The state handbook for those boards confirms that.

Ten days after the election and a day after Busby officially rejected the ballots, Say, who serves as both the district and county attorney in the community of 6,300 residents, asked the attorney general to determine whether the men who voted can claim a "disability," a ruling that could block future voting if that option is nixed.

If that happens, McLane said she plans to transport eligible voters from the center to a local polling place despite the objection of local officials. "The law appears to be clear. I don't want to get sued," she said.

While advocates insist Texas law makes it a misdemeanor for anyone who "influences or attempts to influence a voter not to vote or to vote in a particular manner," state election officials said they do not believe that law covers the Littlefield situation.

"It seems to be applicable to bribery or coercing someone to vote or not to vote, not specifically relayed to counting the vote," Pierce said.

Wood disagreed.

"Taking a person's ballot and throwing it out is coercion," he said.

Bill Marshall, a Houston attorney who represents Brown and other men at the treatment center, said the case appears to be a clear denial of voting rights, especially since some of the men's ballots were counted and others were not.

"The feds should go after this," he said.



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**Mike Ward**

Austin Bureau Chief,  
Houston Chronicle

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# **EXHIBIT 11**

**Texas Department of Criminal Justice**  
**Huntsville, Texas 77340**

**To whom it may concern:**

**The undersigned, Director of the Texas Department of Criminal Justice, certifies that**

HOWARD, RANDY JOE

**TDCJ number** TDC 01760529 **was convicted, of a felony to-wit by the District Courts of:**

CIVIL COMM REQ

EL PASO

CIVIL COMM REQ

EL PASO

CIVIL COMM REQ

EL PASO

CIVIL COMM REQ

EL PASO

CIVIL COMM REQ

EL PASO

**And sentenced on the** 3RD **day of** MAY, **A.D.,** 11 **to** 04 **years confinement in the penitentiary.**

**Received in TDCJ custody**

01-31-2012

**Released to mandatory supervision**

**Released to parole**

**Date of discharge**

05-03-2015

**Remarks:**

Per Texas Government Code, Chapter 493.030, the Social Security Administration has been notified of all offenders released who were confined in a facility for a period of less than twelve consecutive months and were previously receiving Supplemental Security Income or Social Security Disability Insurance benefits.

Per Texas Family Code, Section 85.025 (c), if a person, who is the subject of a protective order, is confined or imprisoned on the date the protective order would expire, the order is to be extended and will expire on the first anniversary of the date the person is released from confinement or imprisonment.

**Witness my hand and seal of office this the** 27TH **day of** FEBRUARY, 2015.

WILLIAM STEPHENS, DIRECTOR



BY Kelly Enloe  
CHAIRMAN, CLASSIFICATIONS AND RECORDS  
KELLY ENLOE

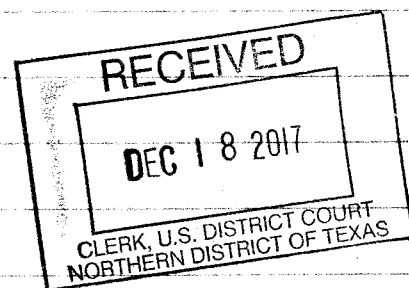
19 December 2017  
Federal Court:

Enclose please find the 1983  
and Exhibits.

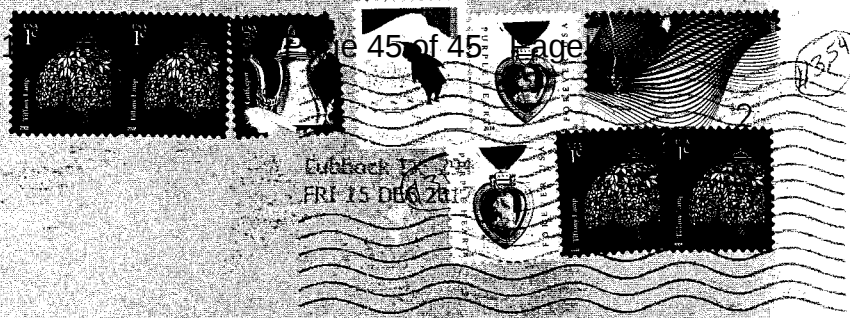
Please, enclose is a Self-Stamp-enc.  
and a Copy of first page of 1983.  
Please Stamp and Mail it back to me.

*[Signature]*  
# 04687580

Texas Civil Commitment  
Center  
2600 S. Sunset Ave.  
Littlefield, Tx 79339



Randy Howard 84687580  
Texas Case 3:17-cv-00294 Document 1  
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